

REMARKS

Applicants respectfully request reconsideration of the above referenced patent application in view of the amendments and remarks set forth herein, and respectfully request that the Examiner withdraw all rejections. Claims 1, 10, 16, 18-20, 22, 23 and 27 have been amended. Claims 17, 21 and 26 have been canceled without prejudice. No claims have been added. Thus, claims 1-16, 18-20, 22-25, 27 and 28 are pending.

Double Patenting Rejection

The Office Action provisionally rejects claims 1 and 16 for alleged non-statutory obviousness-type double patenting, based on co-pending Application 10/749,616 and on co-pending Application 10/813,999. Without acquiescing to any determination of double patenting asserted in the Office Action, Applicants note the provisional status of the rejection(s) and defer an analysis of the substantive basis for such rejection(s) until a later time when the rejections are maintained non-provisionally.

35 U.S.C. §101 Rejections

The Office Action rejects claims 1 and 16 under 35 U.S.C. §101 as being directed toward non-statutory matter. More particularly, the Office Action construes various limitations of the above claims as allegedly not being embodied in hardware. For at least the following reasons, Applicants traverse the above rejection.

The above claims are amended herein to variously recite (emphasis added):

'An integrated tracing and logging system employed within a network comprising: a **computer system having a processor coupled with a memory**, the **computer system further including**....a tracing module...; a logging module...; a formatter... '

It is Applicants understanding that the amended claims are adequately directed to a hardware embodiment of the variously claimed system elements. With particular regard to the various 'means for' limitations of claim 16, Applicants further note paragraphs [00093]-[00094] of the specification, which describes how various aspects of the invention 'may be executable content, control logic (e.g., ASIC, PLD, FPGA, etc.), firmware, or some combination thereof, in an embodiment of the invention.'

For at least the foregoing reasons, Applicants submit that the amendment to the claims address any issues raised in the above rejection with respect to the statutory nature of the claimed subject matter. Therefore, Applicants respectfully request that the 35 U.S.C. §101 rejection of claims 1 and 16 be withdrawn.

35 U.S.C. §103(a) Rejections

35 U.S.C. §103(a) Rejection over *Hart* in view of *alleged APA*

The Office Action rejects claims 1-28 under 35 U.S.C. §103(a) as being obvious in light of James Hart, “Early Adopter: J2SE 1.4”, Chapter 5, September 2001, Wrox Press, pp. 1-12 (hereinafter “*Hart*”) in view of allegedly admitted prior art of Applicants’ specification pg. 4, paragraphs [0008]-[0009] (hereinafter “*alleged APA*”). Claims 17, 21 and 26 are canceled herein, rendering moot the above rejection as applied thereto. Without acquiescing to any allegation of admitted prior art, Applicants traverse the above rejection as applied to pending claims 1-16, 18-20, 22-25, 27 and 28 for at least the following reasons.

The pending rejected claims include independent claims 1, 10, 16, 20 and 23, which variously recite (emphasis added):

‘...a formatter...**including a configuration file storing a format definition** for the formatter, the configuration file of the formatter further to receive **a change to the format definition** for the formatter **during a runtime** of the integrated tracing and logging system, wherein receiving the change to the format definition for the formatter does not require recompiling of any source code of the integrated tracing and logging system, wherein the formatter to **format the output** from the one of the tracing module and the logging module **according to the changed format definition**; and...’

The claim amendments are supported in the original disclosure at least by FIG. 9 and by paragraphs [00078], [00082] and [00091] of the specification. As demonstrated in the discussion below, *Hart* fails to teach or suggest a configuration file storing a format definition for a formatter of an integrated tracing and logging system, and **changing the format definition during a runtime** of the integrated tracing and logging system, wherein changing the format definition does not require recompiling of any source code.

The Final Office Action admits that *Hart* fails to disclose a formatter including a configuration file storing a format. Rather, the Final Office Action alleges that *Hart* teaches a 'parameter record', and that it would be obvious to use such a 'parameter record' as an input file containing format/configuration information. However, contrary to the assertions of the Final Office Action, the relied-upon passages in *Hart* do not discuss a **parameter record**, but only **log record parameters** – i.e. **parameters within a LogRecord** which a Handler sends to a Formatter for formatting. See, e.g. *Hart* page 5, second paragraph. More particularly, a LogRecord in *Hart* which includes a simple String message may further include other log record parameters to provide additional information about a logged event other than a text message alone. Applicants note that the various types of additional information of LogRecord parameters in *Hart* – a filter level for a String message, a source class/method that generates a logging request, a resource bundle associated with a log record – do not include any format definition.

By contrast, current independent claims 1, 10, 16, 20 and 23 variously recite that a **formatter includes a configuration file** that stores a format definition which is **changed in runtime**, and that an output from one of a tracing module and a logging module is formatted by the formatter according to the changed format definition. Even assuming *arguendo* that the relied-upon parameters of a LogRecord in *Hart* did somehow provide a format definition, which Applicants do not agree, *Hart* nevertheless fails to teach or suggest, for example, that a parameter of a particular LogRecord is **changed at a formatter during runtime**, and that the formatter then formats output of a tracing module (or a logging module) according to the changed LogRecord parameter.

Accordingly, *Hart* fails to teach or suggest a configuration file storing a format definition for a formatter of an integrated tracing and logging system, and changing the format definition during a runtime of the integrated tracing and logging system, wherein changing the format definition does not require recompiling of any source code. The Final Office Action does not allege that Applicants admit as prior art those limitations of the currently amended claims which are demonstrated above to be non-obvious in light of *Hart*. Applicants respectfully submit that the cited references fail to either teach or

suggest at least one limitation of the invention as variously recited in each of independent claims 1, 10, 16, 20 and 23.

Accordingly, each of independent claims 1, 10, 16, 20 and 23 is non-obvious in light of *Hart* and *alleged APA*, as are any claims depending therefrom. For at least the foregoing reasons, Applicants request that the above 35 U.S.C. §103(a) rejection of pending claims 1-16, 18-20, 22-25, 27 and 28 based on *Hart* and *alleged APA* be withdrawn.

CONCLUSION

For at least the foregoing reasons, Applicants submit that the objections and rejections have been overcome. Therefore, claims 1-16, 18-20, 22-25, 27 and 28 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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Date: February 3, 2009

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